REMARKS

35 U.S.C. § 102 Rejections

Claims 1 - 4, 11, 13 - 16, 18, 21 - 22, and 24 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,980,583 issued to Staub et al. (hereinafter "Staub et al.") for the reasons of record stated on pages 2 of the Office Action. Applicants respectfully traverse this rejection. Applicants respectfully traverse this rejection. Staub et al. purports to disclose a tumble dryer [Staub et al., column 3, lines 30 - 350] which includes a garment door access window [Staub et al., column 4, lines 63 - 65]. A support bracket is attached to the garment access door for mounting an atomizer unit. [Staub et al., column 4, lines 65 - 67]. Holes can be drilled into the access door window for this purpose. [Staub et al., column 5, lines 1 - 3] The atomizer unit projects durable press resins into a tumbling drum through an access hole in the garment access door window of the tumbling drum. [Staub et al. column 5, lines 1 - 20]. The durable press resin is fed into the atomizer unit from a separate mix/measure storage tank. [Staub et al. column 6, lines 53 - 63].

Staub et al. does not teach or suggest either expressly or impliedly *inter alia* a fabric article treating device utilized in conjunction with a fabric article drying appliance wherein the fabric article treating device is capable of heating a benefit composition. Though Staub et al. teaches utilizing an atomizer unit to inject durable press resins into a tumbling dryer, it does not teach or suggest heating the durable press resin or utilizing an atomizer unit capable of heating the durable press resin. Hence, 1 - 4, 11, 13 - 16, 18, 21 - 22, and 24 are not anticipated by Staub et al., Applicants respectfully request this rejection be reconsidered and withdrawn.

35 U.S.C. § 103 Rejections

Claims 5 - 10, 19, and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable Staub et al. in view of U.S. Patent No. 4,242,377 issued to Roberts et al. (hereinafter "Roberts et al.") for the reasons of record stated on pages 2 and 3 of the Office Action.

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. in view of U.S. 4,891,890 issued to Church (hereinafter "Church").

Claims 17 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. in view of U.S. 4,207,683 issued to Horton (hereinafter "Horton").

Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. in view of U.S. 4,014,105 issued to Furgal et al. (hereinafter "Furgal").

Applicants respectfully traverse these rejections. "In order to establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success ***must both*** be found in the prior art, and ***not*** based on applicant's disclosure

(emphasis added)." M.P.E.P. §2142 citing *In re Vacek*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

"The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." M.P.E.P. §2142 citing *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985).

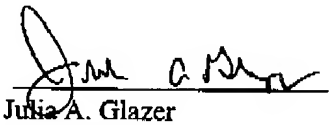
With regard to Roberts et al., column 10, lines 9 - 21 cited by the Office Action, Roberts discloses the use of heating during the making of compositions so as to form a homogenous composition "mix them at room temperature and warm them sufficiently to produce a homogenous product". [Roberts et al. column 10, lines 5 - 16]. However, Roberts et al does not teach a fabric article treating device used in conjunction with a dryer where in the fabric article treating device is capable of heating a benefit composition. Hence, Claims 5 - 10, 19, and 23 are not obvious over Straub et al in view of Roberts et al.

With regard to the obviousness rejections of Claim 12 over Staub et al. in view of Church and Claim 25 over Staub et al. in view of Furgal, there is no suggestion of a fabric article treating device used in conjunction with a dryer wherein the fabric article treating device is capable of heating a benefit composition. Furthermore with regard to the rejection of Claims 17 and 20 over Staub et al in view of Horton, there is no suggestion of a fabric article treating device which is removably attachable to a fabric article drying device which comprises at least one means for heating a benefit composition. Hence, as the obviousness rejections are overcome, Applicants respectfully request these rejections be reconsidered and withdrawn.

SUMMARY

This is responsive to the Office Action dated June 9, 2004. As the rejections under 35 U.S.C. §102 and §103 have been overcome, Applicants respectfully request these rejections be withdrawn and the claims allowed.

Respectfully submitted,
FOR: PANCHERI ET AL.;

BY: 

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